

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

MICHAEL ALONZA RUFUS,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	CIVIL ACTION NO. 3:11-CV-93 (CAR)
WALTON COUNTY DETENTION	:	
CENTER; Major WADE HARRIS,	:	
	:	PROCEEDINGS UNDER 42 U.S.C. §1983
Defendants	:	BEFORE THE U. S. MAGISTRATE JUDGE

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**RECOMMENDATION OF DISMISSAL**

Plaintiff **MICHAEL ALONZA RUFUS**, an inmate at Walton County Jail in Monroe, Georgia, filed a *pro se* “Petition by Private Citizen to an Article III Tribunal In Re Deprivation of Private Rights” in the United States District Court, District of South Carolina. (Doc. 1). In this petition, he complained that he was “unlawfully seized and searched by a commercial agent of the State of Georgia.” (Doc. 1, at 1). Plaintiff also claimed that he was being unlawfully detained at the Walton County Jail and was being denied access to the courts. That Court construed Plaintiff’s petition as a civil rights complaint brought pursuant to 42 U.S.C. § 1983 and transferred the action to this Court. (Doc. 10, 15).

Prior to transfer, Plaintiff filed a “Motion to Dismiss.” (Doc. 12). The motion, like Plaintiff’s other filings, is difficult to understand. Plaintiff states that he is “a free person of color,” and a “natural born citizen of the United States” who has “stated a claim to be adjudicated as such within an Article III tribunal not an adjunct court.” He also states that he “did not or does not seek relief via 42 U.S.C. § 1983.” He “request[s] that this matter be dismissed.” (Doc. 12). The transferring Court found “it appropriate to allow the transferee court to address [P]laintiff’s pending ‘motion to dismiss’.” (Doc. 15, at 2).

Under Rule 41 of the Federal Rules of Civil Procedure, a plaintiff has the absolute right to dismiss his action by filing a notice of dismissal “at any time before service by the adverse party of an answer or motion or of a motion for summary judgment.” Because the named Defendants have not filed an answer or other responsive pleading in this case, Plaintiff may dismiss this 42 U.S.C. § 1983 case and it appears that is what Plaintiff seeks to do. Accordingly, it is hereby **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**.

Under 28 U.S.C. § 636(b)(1), Plaintiff may serve and file written objections to this recommendation with the District Judge to whom this case is assigned within fourteen (14) days after being served with a copy of this Recommendation of Dismissal.

**SO ORDERED**, this 15th day of July, 2011.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge

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